

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
SOUTHWESTERN DIVISION**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Case No. 07-5065-01-CR-SW-RED
)	
GUADALUPE CASTRO,)	
)	
Defendant.)	

ORDER

Now before the Court is Defendant's Motion to Declare Charging Statutes Unconstitutionally Vague (#36), the Government's Response (#49), the Report and Recommendation of United States Magistrate Judge (#50), and Defendant's Objections (#51).

Defendant Guadalupe Castro argues that the statutes under which he was charged are unconstitutional on their face and as applied because they are vague, do not provide fair warning, and do not set standards for authorities to use when enforcing the laws. On July 29, 2007, United States Magistrate Judge James C. England recommended that Defendant's motion be denied. Defendant objected to the Report and Recommendation. Defendant's objections merely restate the arguments presented in the initial motion.

Upon careful and independent review of the pending motion, the suggestions filed by the parties in regard to said motion, and the applicable law, the Court **ADOPTS** the Report and Recommendation of United States Magistrate Judge (#50) in full and **OVERRULES** Defendant's objections (#51). Defendant's Motion to Declare Title 8, United States Code, Section 1324 Unconstitutional as Applied to Defendant Billy Essley (#36) is **DENIED**.

IT IS SO ORDERED.

DATE: August 20, 2008

/s/ Richard E. Dorr
RICHARD E. DORR, JUDGE
UNITED STATES DISTRICT COURT